

HE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Zumberge et al.	)	Art Unit:	2616
Serial No.:	08/212,731	)	Examiner:	Noori, M.
Filed:	March 14, 1994	)	1022.003A	
For: "OPTIO	CAL FIBER GRAVITY METER"	) ) ) )	June 2, 1995 750 B Street, San Diego, C.	

## **COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Commissioner of Patents and Trademarks Washington, DC 20231

Dear Sir:

The below comments are submitted on the statement of reasons for allowance contained in the Notice of Allowability dated March 14, 1995:

Applicants agree that the allowed combination of structure set forth in the claims is patentable over the cited references. Applicants would like to point out that it is the claimed <u>combination</u> of structure that renders the present invention patentable. Consequently, the statement in the above-mentioned Notice of Allowability to the effect that the Examiner has placed "major emphasis" on particular individual elements of the claims cannot legally be taken to contradict the axiom that it is the invention "as a whole", without any particular emphasis on any particular element, that has satisfied the conditions for patentability; 35 U.S.C. §103; <u>Hybridtech Inc. v. Monoclonal Antibodies, Inc.</u>, 802 F.2d 1367, 231 U.S.P.Q. 81 (Fed.Cir. 1986).

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CASE NO.: 1022.003A

Issue Batch No.: J92

Date of Notice of Allowance: March 21, 1995

Serial No.: 08/212,731

Page 1

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Filed:	March 14, 1994	)	1022.003A	
For: "OPT	CAL FIBER GRAVITY METER"	)	June 19, 199 750 B Street San Diego, C	Suite 3120

# TRANSMITTAL LETTER FOR - RESPONSE TO NOTICE OF ALLOWANCE AND ISSUE FEE DUE

Commissioner of Patents and Trademarks Washington, DC 20231

Dear Sir:

In response to the Notice of Allowance and Issue Fee Due dated March 21, 1995, enclosed herewith are the following:

- (1) A transmittal letter for Response to Notice of Allowance and Issue Fee Due in 2 pages with certificate of mailing;
- (2) A check in the amount of \$605.00 to cover the Issue Fee, along with an additional check for \$30.00 to cover cost of ten (10) advance order soft copy patents, regular mail;

ISSUEFEE.03A



CASE NO.: 1022.003A

Issue Batch No.: J92

Date of Notice of Allowance: March 21, 1995

Serial No.: 08/212,731

Page 2

- (3) An Issue Fee Transmittal Form (Form PTOL-85B), with Certificate of Mailing on reverse;
- (4) Comments on Statement of Reasons for Allowance in 2 pages;
- (5) 6 sheets of Formal Drawings;
- (6) A copy of the Notice of Allowability, Form PTOL-37;
- (7) Acknowledgment Postcard.

Respectfully submitted,

John L. Rogitz

Attorney of Record

Registration No. 33,549

750 "B" Street, Suite 3120

San Diego, CA 92101

Telephone: (619) 338-8075

JLR:jg

enclosures

### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service, First Class Mail, postage fully prepaid, under 37 CFR 1.8, addressed to Box Issue Fee, Commissioner of Patents and Trademarks, Washington, D.C. 20231 on

<u>(19</u>, 1995.

DATE SIGNED:

\_,1995

JOHN L. ROGITZ, Attorney of Record

Registration No. 33,549

CASE NO.: 1022.003A Serial No.: 08/212,731 June 2, 1995

June 2, 19 Page 2



PATENT Filed: March 14, 1994

Respectfully submitted,

John L. Rogitz

Registration No. 33,549

Attorney of Record

750 B Street, Suite 3120

San Diego, CA 92101

Telephone: (619) 338-8075

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Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Office of Information 9/71/70 WA 030 Systems, Patent and Trademark Office, Washington, D.C. 20231, and to the Office of Information and RegulatoroAffeirerOffice of Management and Budget, (Project 0654-1711/70 WA 080 0033), Washington, D.C. 20503. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents and Trademarks, Box Issue Fee, Washington, DC 20231.

6/19/93

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